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7 **METHOD AND SYSTEM FOR DISTRIBUTING DIGITAL WORKS**

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NetPack Inc,) Application Number: 09/607,202
Frank Jakubaitis, Inventor,) Examiner: MR. ROBERT M. POND
Response to office action # 1) 09/607,202
Consisting of 10 pages)
Mailed Date: 11-20-02)
Response Date: 02-19-02 by fax &)
United States First Class Certified)
Mail Delivery)
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METHOD AND SYSTEM FOR DISTRIBUTING DIGITAL WORKS

The inventor hereby responds to examiner Mr. Robert M. Pond in reference to the above captioned matter and offers a clarification of the Invention and Process, submitted in hopefully a much more articulate fashion, thereby eliminating and/or removing any question as to the intent and/or process. The Inventor, Frank Jakubaitis, further authorizes the examiner Robert M. Pond to communicate directly with the Inventor Frank Jakubaitis in this matter, from this day forward, until such time as the examiner receives written notice to change or modify this arrangement.



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Dated this 18th day of February
Respectfully Submitted:

Frank Jakubaitis

RESPONSE AND CLARIFICATION TO EXAMINER

**The Following Patents Are Cited By The Examiner As A Basis For The Denial Of
The Applicants Claims 1-14 inclusive under 35 USC 102**

(A) THE EXAMINER CITES PATENT: 6, 467, 684, B2 FITE AS ANTICIPATED

In the above stated patent, the invention specifically limits itself to pre-paid cards that have a specific value in currency and are non-specific as to a particular product, i.e., Book title, Music title, or video title. This patent is also second in time, second to the inventor's right as the inventor's press releases were released one year prior to the filing of the aforementioned patent.

The examiner should also take note that prepaid generic gift cards, with a specific value (as in the Fite patent), have been in the public domain and quite obvious in excess of the past 10 years. Moreover, the patent as described, holds out specifically that the cards are of a generic nature, a one time use, and have some form of identifying number and/or magnetic strip, which if relied on by the examiner to reject the inventor's claims would put each of the examples presented by the examiner in conflict and infringement with the others.

As such, these patents would create confusion and chaos. This patent lacks specificity, and for the reasons above, on its face, does not conflict or collide in any manner with the applicant's unique invention. To the next level, the Fite patent actually takes advantage of the inventor's earlier press release in 1998, as the Fite applicant resides in the same state as the inventor.

Argument:

For this single reason and others stated, the inventor's application does not cause any confusion, nor is the inventor's application to be denied in whole or part under the authority of 35 USC 102 as stated by the examiner.

(B) THE EXAMINER CITES PATENT: Kupka, et-al US 6,434,535, BI

In the above-cited patent, Figure 1 clearly shows a floppy media disc as the starting point for the client or purchaser of the service or product item # 28.

1 Detailed Description Of The Preferred Embodiments: Kupka, et-al US 6,434,535,

2 BI More Specifically

3 Paragraph 2, Line one and two state: Customers purchase the removable media.
4 Item 28: Thus the drawing shows a floppy disc for input and verification.

5 Argument:

6 The inventor's application does not use nor require any removable media at
7 the point-of-sale, or otherwise, to activate its process. See applicant's
8 expanded explanation. For this single reason and this reason alone, the
9 inventors application does not cause any confusion, nor is the inventors
10 application to be denied in whole or part under the authority of 35 USC 102
11 as stated by the examiner. Please see applicant's embodiments.

12 (C) THE EXAMINER CITES PATENT: Detailed Description Of The Preferred
13 Embodiments-Gotfried 6,076,076 Section 1

14 Section 1 clearly limits itself to printed material as in the generic term,
15 and makes no reference to electronic books, digital music. Moreover, the
16 aforementioned patent may be in conflict with Kupka (supra) since it may use
17 a floppy disc or card showing a specific dollar value.

18 Argument

19 The inventor's application is not limited to a specific dollar value and is
20 not utilizing another media such as a floppy disc to validate the process.
21 Moreover, the inventor's application makes no claim as being able to re-use
22 the input validation process media for another purchase. For this single
23 reason and others, i.e., limited to print services contained in the patent
24 itself, the inventors application does not cause any confusion, nor is the
25 inventor's application to be denied in whole or part under the authority of
26 35 USC 102 as stated by the examiner.

27 (D) THE EXAMINER CITES PATENT: Detailed Description Of The Preferred
28 Embodiments-Fiala 5, 918,909

29 In Fiala, this patent shows only a basic architectural drawing for a method
30 to house prepaid type cards that allow for the external verification and/or
31 validation of magnetically encoded cards. The inventor's application shows no
32 such architecture nor depends on such architecture and/or housing.

33 Argument:

34 For this single reason and this reason alone, the inventors application does
35 not cause any confusion, nor is the inventors application to be denied in
36 whole or part under the authority of 35 USC 102 as stated by the examiner.
37 Please see applicant's embodiments.

38 (E) THE EXAMINER CITES PATENT: Detailed Description Of The Preferred
39 Embodiments-Hasebe et-al 5,761,651

40 In Hasebe, this patent shows a system that is totally unrelated to the
41 inventor's application. The system shown is a counter and/or generic decoder

1 without any apparent specific validation, and makes no specific claim to its
2 application and/or use at the point-of-sale or otherwise.

3 **Argument:**

4 For this single reason and others stated, the inventor's application does not
cause any confusion, nor is the inventor's application to be denied in whole
or part under the authority of 35 USC 102 as stated by the examiner. Please
see applicant's embodiments.

5 **(F) THE EXAMINER CITES PATENT: Detailed Description Of The Preferred**

6 **Embodiments- Williams 5, 740,915**

7 In Williams, this patent shows only a basic architectural drawing for a
method to house prepaid type cards that allow for the external verification
8 and/or validation of magnetically encoded cards such as credit cards. The
inventor's application shows no such architecture nor depends on such
9 architecture and/or housing.

10 **Argument:**

11 For this single reason and others stated, the inventor's application does not
cause any confusion, nor is the inventor's application to be denied in whole
or part under the authority of 35 USC 102 as stated by the examiner. Please
see applicant's embodiments.

13 **Conclusion:**

14 In conclusion the examiner has included a newspaper item press release from
Digital Equipment Corporation dated 1995:"Service in a Box" as a potential
15 conflict. The method pertains to a telephone call-in system, which does not
include an on-line validation process, digital delivery, or digital rights
16 management system. Thus for this reason among others the inventor's
application and claims should not be denied on this basis and/or under the
17 authority of 35 USC 102 as stated by the examiner.

18 **(G) THE EXAMINER CITES PATENT: Detailed Description Of The Preferred**

19 **Embodiments 5,715,403 Stefik**

20 In Stefik, this patent describes an encryption system method and makes no
mention of prepaid services at the POS and/or processing the same, in the
fashion as described in the inventor's application.

21 **Argument:**

22 For this single reason and the lack of specificity of the examiner's comments
and others stated, the inventor's application does not cause any confusion,
23 nor is the inventor's application to be denied in whole or part under the
authority of 35 USC 102 as stated by the examiner. Please see applicant's
24 embodiments.

1 METHOD AND SYSTEM FOR DISTRIBUTING DIGITAL WORKS

2 CLARIFICATION ABSTRACT

3 The NetPackage is described as a retail point-of-sale DVD type packaging
4 container that displays a specific set of artwork, lettering, or photographs
5 on the outside front, back, and spine that represents industry specific
6 products such as single or multiple ebooks, audio books, videos and/or access
7 to such material. The NetPackage does not use a disc, CD or DVD for
8 validation or digital rights management. (**See drawing number 3**)

9 (**See drawing #4**) The NetPackage contains a standard size CR-80 ISO access
10 card mounted inside, whereby the face of the card displays a set of pre-
11 generated numbers with a matching bar code, and/or magnetic strip. The
12 purchase value is determined by the vendor's resale price on the material
13 being offered and **is not** preset, nor are the values predetermined per se as
14 in other methods primarily used as gift cards. To use or access the purchased
15 material that the netpackage represents, one must have a custom designed
16 NetPackage browser, a PC, keyboard, mouse, monitor, or other similar
17 accoutrements, and access to the Internet

18 SEQUENCE OF OPERATION

19 A potential user or purchaser of a NetPackage is directed to a particular
20 clients web site, or location, by the instructions on the rear of the access
21 card. (**Drawing #4**) Accessing digital material using the NetPackage method is
22 achieved through the custom NetPackage browsers only. (**Drawing #3**)

23 The custom browsers (**See Drawing Number #2**) may have built in MP-3 players,
24 video replay features but does not allow the user to browse the Internet IN A
25 FREE STYLE FASHION. The purpose of the browser is for custom digital product
26 access as described. In addition to any or all other necessary browser
27 controls and/or accessories, the browser will have three independent buttons.
28 One button will be for the re-call of the original validation window and the
29 other two will be assigned the value of Media 1 and Media 2 which are
30 ultimately tethered to a server port for special live events and or targeted
31 advertisement toward a particular user group as programmed from a remote
32 server. (**See Drawing #2A**)

33 A NetPackage custom browser can be acquired and/or stored or delivered in an
34 embedded HTML fashion on a potential clients web site or server and the
35 NetPack logo is simply used as an identifying link. (**See Drawing #1 item 1**).
36

37 When the identifying logo is pressed (**See drawing #1**) the link will give the
38 user a choice on the users computer to:

39 (1) Open the browser from its present location or, (**See Drawing #1 item 2**).
40 (2) Download the browser to the users designated computer folder.

1 **Note:**

2 The browser may not contain a data base at this time but is not limited to
3 such and may in the future incorporate an on board data base. The browser
4 only houses the necessary functions and/or controls for ancillary functions
5 and calling ASP page functions and making data base inquiries. The browser
6 will be initially compatible with MSIE only and later adapted to Netscape and
7 others.

8 When the browsers launch or the user presses open button, the browser will:

- 9 (1) Automatically send its unique identifying number to a host server and
10 locate its master group number. (**See drawing 1 item 2A**)
- 11 (2) Subsequently open a browser window within the custom browser and
12 display the ASP validation page for the access card. (**See drawing
13 number 1 item 2**)
- 14 (3) (**See Drawing #1 item 2**) The validation page will state in a simple
15 manner as how to validate the access card number. If the user has a
16 bar code scanner the cursor may be placed in the asp validation field
17 page of the custom browser and the bar code scanner may be scanned
18 over the access card bar code graphic and the validation process will
19 automatically allow the user access. The same procedure may be used
20 with a magnetic wedge keyboard adapter. When neither a bar code
21 scanner or keyboard wedge is available, the cards number may be typed
22 in the validation field and a button so marked submit will begin the
23 validation process.
- 24 (4) (**See drawing #1 item 3**) After the validation process reconciles the
25 data base requirements for access, (see drawing #1 ASP) it will
26 automatically transfer the user to a page designated the content
27 information module. The content information module will display the
28 material's author, format and any other relevant copyright
29 information. The content information will have a continue button
30 located within the module whereby the user can activate and continue
31 to the next module, the registration module.
- 32 (5) (**See drawing #1 item 4**) The registration module consists of a non-
33 mandatory solicitation for the users: Name, e-mail, City and State.
34 The module will post a short tutorial as to how the user may
35 circumvent the registration process if they so desire and continue to
36 the next module. All the transaction will be server side transactions.
37 The user will then press a proceed button to advance to the content
38 control module.
- 39 (6) (**See drawing number 1 item 5**) The final module in the process is the
40 content control module. The content control module is capable of
41 delivering from 1-100 different programs and/or any combination of
42 music, audio books, or videos. The individual selective buttons
43 displayed in a column fashion representing either side one or side two
44 of audio book formats, tape programs, lit files and or ebx e-books.
45 The user then may press any button that they wish to have a specific
46 digital product available for download to their PC.

47 **Enclosures: Four drawings**